

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JOHN DONALD CHADWICK,

Plaintiff,

Case No. 14-c-13434

v

Honorable Thomas L. Ludington  
Magistrate Judge Patricia T. Morris

BANK OF AMERICA, N.A.,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND GRANTING DEFENDANT'S MOTION TO DISMISS**

On September 4, 2014, Defendant Bank of America removed this suit from the Midland County Circuit Court. Plaintiff John Chadwick had filed a *pro se* complaint alleging that Bank of America had wrongly foreclosed on his property at 4274 E. Freeland Road, Freeland, Michigan 48623.

On October 3, 2014, Bank of America filed a motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). On March 13, 2015, Magistrate Judge Patricia T. Morris issued a report recommending that Bank of America's motion to dismiss be granted. Judge Morris noted Chadwick had not alleged "a defect or irregularity in the foreclosure process sufficient to provide standing under Michigan law to have the foreclosure set aside after the lapse of the redemption period." Rep. & Rec. 7. Moreover, Chadwick had not alleged that he suffered any prejudice from any defect or irregularity. Accordingly, Judge Morris concluded that Chadwick had not stated a claim for which relief could be granted.

Although Magistrate Judge Morris's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the

report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Electing not to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 15) is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to dismiss (ECF No. 7) is **GRANTED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: April 9, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail and on John Donald Chadwick, Jr., 4374 East Freeland Rd, Freeland, MI 48623 by first class U.S. mail on April 9, 2015.

s/Karri Sandusky  
KARRI SANDUSKY